Dear FCC:
I am a telephone consumer fed up with telemarketing calls, primarily prerecorded calls in my case. For over two years, I have exercised my private right of action under the TCPA and Texas law. My experience leads me to make the following suggestions under four headings:

1. National Do-Not-Call List
2. Require Caller ID
3. "Non-Profit" Abuse
4. $500 Out-of-Date

1. National Do-Not-Call List. I strongly favor a national do-not-call list. I urge that only one agency administer it, FCC or FTC, to avoid confusion. I urge that it automatically contain all numbers on all state do-not-call lists. I urge that the charge to the consumer be as little as possible.

2. Require Caller ID. One of my biggest frustrations trying to exercise my private right of action is that most illegal, prerecorded calls to my home come from experienced violators who apparently purposely choose local exchange carriers (LECs) who do not provide caller ID information. This results in caller ID displays of "OUT OF AREA" or "UNKNOWN CALLER." Orange County, California is a haven for many such abusive violators. I urge FCC to do all it legally can to (1) require telemarketers to use LECs that provide caller ID information, or (2) require LECs who technically can provide full caller ID information if they wish, to do so, at least for their telemarketing clients.

3. "Non-Profit" Abuse. Integrated Credit Solutions, Inc. in Largo, FL is the worst major abuser of the TCPA's exemption for calls "on behalf of" non-profit entities. It charges high fees for referral to its own in-house, puppet non-profit (Lighthouse Credit Foundation). Several imitators have sprung up, including Debt Relief Center, also in Largo FL. Most of them use false and deceptive methods such as claiming they sent me a letter and they are "surprised I haven't called," or they claim to have my credit file on their desk, and I am already approved. (This ruse was exposed when I asked which of the three credit card holders in my household were they referring to--everyone, it turned out, has a "file on their desk."

I urge FCC to do all it can to stop this abuse of the FCC's exemption for non-profit entities. Several states seem to have enacted good methods, and I urge FCC to adopt the best state strategies (Illinois, especially).

4. $500 is Out-of-Date. $500 per violation is not very much considering the great deal of effort that it takes to identify and serve most violators. Only a tiny percentage of telephone consumers are willing to make this effort. Higher statutory damages would help increase private enforcement. They would also help deter repeat offenders. One of my judgements was against an Herbalife distributor who made a prerecorded call to my home. But she did not stop calling; a local friend got a prerecorded call from her only two weeks later.

At the very least, the statutory damage should be increased in proportion to inflation since 1991 when it was set at $500 per violation. The consumer price index (CPI) in January 1991 was 136.2. It is now 181.3, which equates $666 now with $500 in 1991. Presumably, the CPI will be higher before new regulations could take effect. If Congressional authorization is needed, I urge FCC to seek it. I suggest that the minimum statutory damages be raised to at least $750 per violation, preferably $1,000.

Another idea would be to base the increase on whether the violator provided full and correct caller ID information, because lack of caller ID is a major factor increasing the cost of enforcement.

Thank you for your consideration.

Donald R. Davis